

**REMARKS**

Claims 2, 4-8, 12-14 and 21 are pending in this application. Claims 4, 5, 7, 8, 13, 14 and 21 were previously withdrawn from consideration. By this Amendment, claim 2 is amended; and claim 3 is canceled.

**I. Information Disclosure Statement**

An Information Disclosure Statement with Form PTO-1449 was filed in the above-captioned patent application on July 29, 2003. Applicants have not yet received from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

**II. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 2, 3, 6 and 12 under 35 U.S.C. §103(a) over U.S. Patent No. 5,739,587 to Sato in view of U.S. Patent No. 5,736,791 to Fujiki et al. This rejection is respectfully traversed.

Sato was wrongly applied as a reference because Sato and the claimed invention were, at the time the invention was made, owned by Seiko Epson Corporation. According to MPEP § 706.02(k), effective November 29, 1999, "subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Thus, Sato is not a valid prior art.

Even with Sato applied as prior art, Sato and Fujiki et al., individually or in combination, do not teach, disclose or suggest "a second conductive layer disposed below said first conductive layer, the second conductive layer having a plurality of openings and a

planar network pattern," as recited in claim 2. As shown in Fig. 1, the recited planar network pattern is shown in a mesh state 130a-130g of a second electrode layer 200. As shown in the plan view of Fig. 2A, the claimed feature of a planar network pattern 130a-130i allows a free current flow between the interstices of the shown mesh state regardless of the orientation of the conductive layer.

Instead, Fujiki et al. discloses a pattern of a first aluminum wiring layer 3 of a stripe-like form in which slit portions 13 of elongated rectangular spaces (horizontal elongated tetragonal prisms) are formed through the wiring layer (col. 9, lines 6-8; Fig. 1). Because Fujiki et al. has slits 13 that are elongated, Fujiki et al. limits the orientation of the first aluminum wiring layer 3 in the orientation of the slits to allow interstitial current flows in between the slits. The claimed features of the present application do not impose such functional limitations, thus, offer distinct advantages over Fujiki et al.

Even if considered, Sato does not make up for the deficiencies of Fujiki et al. Sato does not relate to any subject matter regarding a plurality of openings being of a planar network pattern as claimed.

Thus, even if combined, Sato and Fujiki et al. do not combine to result in the recited claim features.

For at least these reasons, Sato cannot be combined with Fujiki et al. to render obvious the subject matter of claims 2, 3, 6 and 12. Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2-8, 12-14 and 21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Form PTO-1449 dated  
July 29, 2003

Date: October 29, 2003

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